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Applicant(s): Druyan et al.

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Title: **METHOD AND SYSTEM FOR MANAGING SERVICE REQUESTS ACROSS MULTIPLE SYSTEMS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

This Reply Brief is in reply to the Examiner's Answer mailed July 6, 2011.

ARGUMENT

GROUND OF REJECTION 1

Claims 1-3, 34-37 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi).

Claims 1 and 35

Appellants respectfully contend that claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi, because Kinser in view of Toyouchi does not teach or suggest each and every feature of claims 1 and 35.

A first example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: "a computer processor receiving a service inquiry from a browser to which ***a technician*** is interfaced at a computer comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to ***the technician*** for being performed by ***the technician***" (emphasis added).

The Examiner's Answer argues (pages 6-7): "Kinser does not explicitly disclose the following limitation, however, ... Toyouchi a computer processor receiving a service inquiry from a browser to which a technician is interfaced at a computer Comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to the technician for being performed by the technician (see; col. 11, lines

25-45), col. 38, line (54) – col. 39, line (17), col. 42, lines (4-6, and lines (55-67) of Toyouchi teaches a computer processor being used with a browser to manage service requests in the form of a plurality of requests (i.e. services) through a gateway stored in a table (i.e. list))."

In response, Appellants respectfully contend that the preceding citations to Toyouchi (col. 11, lines 25-45; col. 38, line 54 – col. 39, line 17; col. 42, lines 4-6; and col. 42, lines 55-67) do not disclose the existence of a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 11, lines 25-45 discusses a table depicted in Toyouchi, FIG. 3, said table including values of attributes relating to services requested by users. Toyouchi, col. 11, lines 25-45 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 38, line 54 – col. 39, line 17 describes a connection between, and a message transmitted between, an information acquiring computer and a service providing computer. Toyouchi, col. 38, line 54 – col. 39, line 17 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 42, lines 4-6 recites: "the request may be broadcasted to all of the service providing processors". Toyouchi, col. 42, lines 4-6 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Toyouchi, col. 42, lines 55-67 recites: "As an example of the information acquiring computer 310, there are an exclusive use terminal, a personal computer, a workstation, a multimedia kiosku a personal portable terminal (PDA) and so on. As an example of the information providing 10 computer 21, there are a database server, a World Wide Web (WWW) server, an FTP server, a WAIS server, a Gopher server and a so on." Toyouchi, col. 42, lines 55-67 is totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In "Response to Arguments", the Examiner's Answer argues (pages 17-18): "The applicant argues on pgs. 8-9 with regard to claim 1 that Toyouchi is "totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being preformed by the technician"... The examiner respectfully disagrees... For further clarification the Toyouchi art describes a service providing system and method which divides a request into plural service requests and provides an integrated service based on service utilization history information in response to the request. This piece of prior art then goes on to describe a browser for a user (see; col. 38, line (54) - col. 39, line (17) of Toyouchi that describes a user interface in which an individual may view and analyze the information provided. Furthermore the art discloses providing information to a person about an end user who is requesting service on a browser. This person who receives a request for

service is viewed to be a technician as they are the person technically equipped to handle the request. This technician would be given service requests to handle and as previously sited col. 11, lines (24-45) a list of al the open requests is made available to the service technician and can even be prioritized based on the monetary impact of the service. Coupled with col. 42, lines (4-6) which describes a broadcasting of the work to technicians using a processor Toyouchi does teach a technician using a browser with a processor to view the list of assigned tasks to the technician."

In response, Appellants note that the preceding argument in the Examiner's Answer alleges that Toyouchi discloses that a service inquiry (containing a list of services assigned to the technician for being performed by the technician) ***is received by a technician using a browser***, which is not what is being claimed. What is being claimed is that a browser (to which a technician is interfaced) ***transmits, rather than receives***, the service inquiry (containing a list of services assigned to the technician for being performed by the technician) to a computer processor. See claims 1 and 35 which recite: "a computer processor receiving a service inquiry ***from a browser*** to which a technician is interfaced at a computer comprising the browser, ... said service inquiry requesting a list of services assigned to the technician for being performed by the technician"). Thus, the preceding argument in the Examiner's Answer appears to be arguing the opposite of what is being claimed. Accordingly, the Examiner has not established a *prima facie* case of obviousness in relation to claims 1 and 35.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In further response, Appellants note that Toyouchi, col. 42, lines 4-6 (relied upon in the preceding argument in the Examiner's Answer) does not describe "a broadcasting of the work to

technicians using a processor " as alleged by the Examiner, but rather discloses a request to the service providing computer to verify a user ID and password. See Toyouchi, col. 41, line 62 - col. 42, line 9 which recites: "The information acquiring/information responding unit requests the service providing computer which has issued this user ID ***to verify the user ID and the password***... the request may be broadcasted to all of the service providing processors. When the user identification is performed in the service providing computer which has issued the user ID, the application program is executed in the service providing computer which has carried out this identification." (emphasis added)

In addition, the Toyouchi, col. 11, lines 24-45 (relied upon in the preceding argument in the Examiner's Answer) merely disclose, in conjunction with FIG. 3 of Toyouchi, a table of qualities of user requests for services, which is not pertinent to an existence of a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being performed by the technician. See Toyouchi, col. 11, lines 25-29 which recites: "In FIG. 3, there is shown an example of the quality table 41. The quality table 41 stores values of qualities of requests with respect to each of the users, which correspond to attributes of services and degrees of services requested by the users."

In addition, Toyouchi, col. 38, line 54 - col. 39, line 17 (relied upon in the preceding argument in the Examiner's Answer) discloses that the service providing computer receives the message depicted in Toyouchi, FIG. 23 from the information acquiring computer. However, the message depicted in Toyouchi, FIG. 23 does not comprise list of services assigned to the technician for being performed by the technician. Instead, the message depicted in Toyouchi, FIG. 23 has a header portion 701 and a data portion 702. The header potion 701 merely contains

"a destination address 7011, a source (sender) address 7012, a session ID 7013 capable of uniquely discriminating a session start to an end from the client application (browser), namely a combination with an address (for instance, IP address+port) and a time instant, a serial number 7014 within a session, a terminal sort 7015 for indicating a type of a terminal, and a present location 7016 of a terminal" (Toyouchi, col. 39, lines 2-10). The data portion 702 merely contains a connection request (Toyouchi, col. 39, lines 12-17).

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In "Response to Arguments", the Examiner's Answer further argues (page 18): "The applicant argues on pg. 9 with regard to claim 1 that Toyouchi does not disclose "that the person who inputs the information assigns, or could assign, himself/herself one of some the trouble tickets"... The examiner respectfully disagrees... In response to the argument for further clarification the examiner points to col. 43, line (46) - col. 45, line (7) of Toyouchi which discloses a service request system that takes issues from users and then assigns people based on the management module to perform necessary processes. There is an indication of an input/output functionality that allows a person who is performing the tasks to input information from what a user is requesting and making it into work items, with prioritization and predetermined rules. These requests can then be handled by the individual or put into the system to be handled by the service management unit in order to have a resolution capable of addressing the situation. Thereby allowing the individual the ability to assign or not assign the task to himself or herself."

In response, Appellants cannot find, in Toyouchi, col. 43, line 46 - col. 45, line 7, any disclosure that the person who inputs the information assigns, or could assign, himself/herself one of some the trouble tickets. Thus, the Examiner's allegation that "These requests can then be handled by the individual or put into the system to be handled by the service management unit in order to have a resolution capable of addressing the situation. Thereby allowing the individual the ability to assign or not assign the task to himself or herself" reflects speculation in the Examiner's Answer and not what Toyouchi actually discloses, and is accordingly indicative of the failure in the Examiner's Answer to establish a *prima facie* case of obviousness in relation to claims 1 and 35.

Furthermore, even if Toyouchi discloses that the person who inputs the information assigns himself/herself some the trouble tickets (which Toyouchi does not disclose as explained *supra*) , such a disclosure is not a disclosure of specifically what is being claimed, namely "receiving a service inquiry from a browser to which a technician is interfaced at a computer comprising the browser, ... said service inquiry requesting a list of services assigned to the technician for being performed by the technician".

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A second example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature:

"in response to said receiving the service inquiry, said processor formulating and sending a service request status message to a plurality of service ticketing systems, said service request

status message requesting service tickets specifying the services assigned to the technician;

after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems, each service ticket specifying a different service of the services assigned to the technician".

The Examiner's Answer argues (pages 5-6): "Kinser teaches ...

in response to said receiving the service inquiry, said processor formulating and sending a service request status message to a plurality of service ticketing systems (see; col. 55, lines (46-61) of Kinser teaches batch processing (i.e. formulating) and submitting the open service requests to a system for dispatch to multiple systems.

said service request status message requesting service tickets specifying the services assigned to the technician from the service manager (see; col. 55, lines (58-61) of Kinser teaches assigning trouble tickets assigned to specific technicians).

after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems, each service ticket specifying a different service of the services assigned to the technician (see; col. 55, line (56-61) of Kinser teaches the garages receiving the service tickets for the specific technicians and the details of the work)."

In response, Appellants note that Kinser, col. 55, lines 46-61discloses that WFA/DO receives the trouble tickets created by a process initiated by the Service Analysis (SA). Appellants assume that the trouble tickets represent the claimed service tickets.

However, Kinser, col. 55, lines 46-61 does not disclose sending (to a plurality of service ticketing systems) a service request status message requesting service tickets specifying the services assigned to the technician as claimed.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In "Response to Arguments", the Examiner's Answer argues (pages 18-19): "The applicant argues on pgs. 11 with regard to claim 1 that Kinser that having "said service request status message requesting service tickets" equates to "said service tickets requesting service tickets" which is an inference that does not make any sense and which Kinser does not disclose"... The examiner respectfully disagrees... In response to the argument for further clarification the examiner points to Kinser on col. 57. lines (47-53) discloses an assignment request which allows a service manager to request what tasks are assigned to a particular workforce and receives a response. This allows the managers to determine if there is any additional changes that need to take place or understand the current assignments)."

In response, Appellants assert that the preceding argument in the Examiner's Answer does not demonstrate a disclosure in Kinser that having "said service request status message requesting service tickets" equates to "said service tickets requesting service tickets".

In addition, Appellants continue to maintain that "said service tickets requesting service tickets" does not make any sense.

However, even if the service request status message is the service tickets, then the combination of the limitations of "said processor formulating and sending a service request status message to a plurality of service ticketing systems" and "after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems" requires the processor to send the service tickets to the plurality of service ticketing systems and

subsequently receive the service tickets back from the plurality of service ticketing systems, which is an inference that does not make sense and which Kinser does not disclose.

Thus noting that the Examiner relies on Kinser, col. 55, lines (46-61) with respect to the preceding feature of claims 1 and 35, EITHER (i) Kinser, col. 55, lines 46-61 does not disclose sending the service request status message OR (ii) Kinser, col. 55, lines 46-61allegedly discloses sending the service request status message under the assumption that the service request status message is the service tickets which leads to inferences that do not make sense and which are not disclosed in Kinser as discussed *supra*.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In addition, Appellants assert that Kinser, col. 55, lines 46-61 (relied upon in the Examiner's Answer with respect to the preceding feature of claims 1 and 35) does not disclose the plurality of service ticketing systems to which the service request status message must be sent by the processor that has received the service inquiry from a browser to which a technician is interfaced at a computer comprising the browser.

The Examiner's Answer has not supplied any analysis allegedly demonstrating that Kinser discloses that the plurality of service ticketing systems to which the service request status message must be sent by the processor that has received the service inquiry from a browser to which a technician is interfaced at a computer comprising the browser.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A third example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: "said processor sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists".

The Examiner's Answer argues (page 6): "Kinser teaches ... said processor sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists (see; col. 28, lines (16-18), col. 50, line (65) - col. 51, line (14), col. 55, lines (57-61) of Kinser teaches the capability of sorting service based on the priority of the service request and creating multiple tickets to different technicians based on what is needed to be completed an when and all this will show up on the dispatch report (i.e. list)."

In response, Appellants note that, of the citations to Kinser in the preceding argument in the Examiner's Answer, the only citation to Kinser mentioning sorting is in Kinser, col. 28, lines 16-18 which recites: "access and print entries, sorted by wire center and start date, for a set of wire centers defined by the Maintenance Center user list".

However, the preceding feature of claims 1 and 35 recites "sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists" which the preceding quote from Kinser, col. 28, lines 16-18 does not disclose. The preceding quote from Kinser, col. 28, lines 16-18 merely discloses sorting access and print entries, which is not specific to ticket request lists and is not a disclosure of generating multiple sorted lists.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In "Response to Arguments", the Examiner's Answer argues (page 19): "The applicant argues on pgs. 14 with regard to claim 1 that Kinser does not disclose "sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists"... The examiner respectfully disagrees... In response to the argument the examiner points to the previously sighted area col. 28, lines (16-18) of Kinser which discloses a sorting that takes place with regard to sort parameters defined by the Maintenance Center as the to which "wire center" and "start date" to which service is required. This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start."

In response, Appellants respectfully contend that the conclusion ("This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start") in the preceding argument in the Examiner's Answer does not follow from the disclosure in Kinser, col. 28, lines 16-18 of: "access and print entries, sorted by wire center and start date, for a set of wire centers defined by the Maintenance Center user list".

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A fourth example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that Kinser in view of Toyouchi does not teach or suggest the feature: "said processor storing the multiple sorted ticket request lists in a cache memory at the gateway manager for subsequent display to the technician of a sorted ticket request list of the multiple

sorted ticket request lists, wherein the multiple sorted ticket request lists are concurrently stored in the cache memory".

The Examiner's Answer argues (page 6): "Kinser teaches ... said processor storing the multiple sorted ticket request lists in a cache memory at the gateway manager for subsequent display to the technician of a sorted ticket request list of the multiple sorted ticket request lists, wherein the multiple sorted ticket request lists are concurrently stored in the cache memory (see; col. 43, lines (60-64), col. 47, lines (28-37), col. 55, lines (52-61), and col. 57, lines (19-26) of Kinser teaches a processor that stores multiple trouble tickets and the dispatch report (i.e. request lists) in memory that can be viewed in a display and additionally uses a gateway to distribute the trouble tickets to the technicians)."

In response, Appellants note that Kinser, col. 43, lines 60-64 recites: "FIG. 24 is a block diagram of a proactive service management process. In FIG. 24, Caseworker 308 is used for coordinating trouble reports received from MLT 314 (via standard interface Gateway 348)", which does not disclose concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager.

In further response, Appellants note that Kinser, col. 47, lines 28-37 recites: "Once ALIT is completed for a given wire center (all ALIT scheduled testing must be complete if the wire center has multiple switches), SA determines if the individual server has enough memory and resources to begin another SA process. This determination must be done due to the wire center data distribution. Each server covers data for multiple, preassigned wire centers, and due to the processing requirements of SA, only a certain number of wire center SA processes (based on wire center size) can realistically run on one server at a time", which does not disclose

concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager.

In further response, Appellants note that Kinser, col. 55, lines 52-61 recites: "Therefore, based on priorities, different numbers of trouble ticket groups will be opened. Knowing the number of groups allowed, the process reads the priorities of all "suggested" trouble groups and creates "open" trouble tickets. This process then submits these open trouble ticket groups to WFA/DO for dispatch... This process also sends the technician's dispatch report, provided by the Post-MLT SA process listing all the area detail for their specific trouble group, to the local garage printer", which does not disclose concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager.

In further response, Appellants note that Kinser, col. 57, lines 19-26 recites: "Service Analysis can be run by a batch process, or asynchronous processing to respond to customer calls in real-time. Caseworkers access Service Analysis on a real-time basis. If the need for an outside dispatch is established, the system will read all associated proactive trouble groups to append to the new customer call. In addition, related closed trouble tickets and defective pairs will be grouped as well to display for the technician", which does not disclose concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager.

Appellants assert that the preceding quotes to Kinser do not mention anything about a sorted ticket request list and therefore do not disclose "storing ***the multiple sorted ticket request lists*** in a cache memory ..., wherein ***the multiple sorted ticket request lists*** are concurrently stored in the cache memory" (emphasis added).

Appellants assert that the preceding quotes to Kinser do not mention anything about

cache memory and therefore do not disclose "storing the multiple sorted ticket request lists in ***a cache memory*** ..., wherein the multiple sorted ticket request lists are concurrently stored in ***the cache memory***" (emphasis added).

Appellants assert that there is no disclosure in Kinser of using cache memory for any purpose. In fact, there is not even any mention of cache memory in Kinser.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

In "Response to Arguments", the Examiner's Answer argues (page 20): "The applicant argues on pgs. 15-16 with regard to claim 1 that Kinser does not disclose "concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager"... The examiner respectfully disagrees... In response to the argument the examiner points to the previously sighted col. 43, lines (60-64) of Kinser which discloses a service gateway that handles the trouble reports (i.e. tickets). It further goes on to explain that this is done by the service analysis system with both reactive and proactive architectures. In col. 43, lines (41-59) of Kinser discusses that the data is stored and maintained in such a way as to have it readily available for the service analysis system. This storing of information is viewed by the examiner to be in such a way that it is readily available for use by the system as to handle problems quickly (reactive and proactive). It is commonly understood in the art that by storing of information is done because it is information that is needed in place for a quick response it is best to cache it to have it readily available. The examiner contends that since the data is used in the gateway manager and is needed quickly by the system to be both reactive and proactive while not being called a cache the

storing of the data for quick use would be a caching."

In response, Appellants respectfully contend that there is no content in Kinser, col. 43, lines 41-59 to support the preceding argument in the Examiner's Answer: "In col. 43, lines (41-59) of Kinser discusses that the data is stored and maintained in such a way as to have it readily available for the service analysis system".

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

A fifth example of why claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi is that the Examiner's Answer has not identified, with specificity and clarity, exactly what entities in Kinser and Toyouchi represents the following claimed entities: "service inquiry", "service request status message", "service tickets", and "plurality of ticketing systems".

Accordingly, the Examiner has not established a *prima facie* case of obviousness in relation to claims 1 and 35.

Therefore, Kinser in view of Toyouchi does not disclose the preceding feature of claims 1 and 35.

Based on the preceding arguments, Appellants respectfully maintain that claims 1 and 35 are not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), and that claims 1 and 35 are in condition for allowance.

Claims 2 and 36

Since claims 2 and 36 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that 2 and 36 are likewise not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

In addition with respect to claims 2 and 36, Kinser in view of Toyouchi does not disclose the feature: "before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system".

The Examiner's Answer argues (page 7): "**Referring to Claim** 2, ... Kinser further disclose the following limitation.... before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system (see; col. 46, lines (1-19), and col. 58, lines (48-50) of Kinser teaches the service requests are grouped together in proactive and reactive along with a common service order processor that ensures the format is translated properly)."

In response, Appellants assert that Kinser, col. 46, lines 1-19 discusses grouping troubles by geographical area, using historical switch surveillance information, and grouping proactive or reactive troubles. Appellants assert that the preceding quote from Kinser, col. 46, lines 1-19 does not disclose "converting the service status request message to a format that is specific for each service ticketing system".

In further response, Appellants note that Kinser, col. 58, lines 48-50 recites: "CSOP--Common Service Order Processor--Translates service request from SSNS into service order format and reverse." Appellants assert that the preceding quote from Kinser, col. 58, lines 48-50 does not disclose "converting the service status request message to a format that is specific for

each service ticketing system".

First, the "service request" referred to in Kinser, col. 58, lines 48-50 does not satisfy the requirement of the claimed limitation of "requesting service tickets specifying the services assigned to the technician" (see claims 1 and 35 from which claims 2 and 36 respectively depend).

Second, although the preceding quote in Kinser, col. 58, lines 48-50 discloses converting to a "service order format", the preceding quote in Kinser, col. 58, lines 48-50 does not disclose converting to a format that is specific for each service ticketing system. In fact, Kinser does not even disclose the claimed plurality of ticketing systems.

Accordingly, claims 2 and 36 are not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

In "Response to Arguments", the Examiner's Answer argues (pages 20-21): "The applicant argues on pg. 18 with regard to claim 1 that Kinser does not disclose "before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system"... The examiner respectfully disagrees... The examiner points out in the previously sighted are of Kinser and noted in the appeal brief by the applicant that col. 46, lines 1-19 of Kinser discusses grouping trouble tickets by geographical area, using historical switch surveillance information, and grouping proactive or reactive troubles in the task of effectively optimizing he technicians dispatches in order to give a complete picture of what is needed for the maintenance (i.e. formatting the message for the specific technician, or group of technicians). This optimizing of

information (i.e. formatting) is done to the information in order to make it easy to use by all the service technicians in that facility and it is formatted before it is printed out and used by the technicians."

In response, Appellants assert that Kinser, col. 46, lines 1-19 is totally silent as to optimizing anything, let alone optimizing the technician's dispatches.

In further response, Appellants assert that a disclosure of optimizing the technician's dispatches (which in fact is not disclosed by Kinser as explained *supra*) is not a disclosure of "converting the service status request message to a format that is specific for each service ticketing system".

Accordingly, claims 2 and 36 are not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

Claims 3 and 37

Since claims 3 and 37 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that 3 and 37 are likewise not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

Claims 34 and 45

Since claims 34 and 45 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that 34 and 45 are likewise not unpatentable over Kinser in view of

Toyouchi under 35 U.S.C. §103(a).

In addition with respect to claims 34 and 45, Kinser in view of Toyouchi does not disclose the feature: "displaying to the technician the sorted ticket request list by displaying sequential segments of tickets in the sorted ticket request list".

The Examiner's Answer argues (page 8): "**Referring to Claim 34**, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.... displaying to the technician the sorted ticket request list by displaying sequential segments of tickets in the sorted ticket request list (see; col. 28, lines (16-18), col. 50, line(65) - col. 51, line (14) col. 55, lines (58-61) of Kinser teaches displaying a report with the service that needs to be performed listed based on how they were prioritized (i.e. sorted segments) before being sent)."

In response, Appellants assert that the "report" referred to in the preceding argument the Examiner's Answer is not "the sorted request list" that results from sorting the tickets. As explained *supra* in conjunction with claims 1 and 35, Kinser discloses reading the priorities but does not disclose sorting the priorities. A disclosure of performing services based on how the services are prioritized is not a disclosure of sorting the priorities and is not a disclosure of generating a sorted list of the services based on their priorities. Performing the services based on their priorities requires only knowing what their priorities are, and does not require sorting the priorities.

Accordingly, claims 34 and 45 are not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

Appellants note Appellants' Appeal Brief presented the preceding argument for claims 34 and 45, ***to which the Examiner's Answer has not responded***.

Thus, the fact that the Examiner's Answer has not challenged the preceding argument by Appellants for claims 34 and 45 further supports Appellants' contention that claims 34 and 45 are not unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a).

GROUND OF REJECTION 2

Claims 9, 10, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Bergeron et al. (U.S. Patent 4,922,514) (hereafter Bergeron).

Claims 9 and 38

Since claims 9 and 38 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron under 35 U.S.C. §103(a).

In addition with respect to claims 9 and 38, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: "determining an elapsed time since a last inquiry by the technician".

The Examiner's Answer argues (page 10): "Kinser and Toyouchi do not explicitly disclose the following limitation, however.... Bergeron teaches said processor determining an elapsed time since a last inquiry by a the technician (see; col. 4, lines (1-20) of Bergeron teaches a processor that keeps track of service engineers (i.e. technician) based on a event or time driven schedule and how it is accessed with an input/output device (i.e. inquiry))."

In response, Appellants respectfully contend that there is no disclosure in Bergeron, col. 4, lines 1-20 of an ***elapsed time***. Keeping track of service engineers (i.e. technician) based on an

event or time driven schedule requires an awareness of what the current time is in relation to the schedule and does not require keeping track of an elapsed time.

In further response, Appellants respectfully contend that there is no mention in Bergeron, col. 4, lines 1-20 of "a last inquiry by the technician". Therefore, Bergeron, col. 4, lines 1-20 does not disclose "determining an elapsed time ***since a last inquiry by the technician***".

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (page 21): "The applicant argues on pg. 23 with regard to claim 9 and 38 that Bergeron dos not disclose "determining an elapsed time since a last inquiry by the technician"... The examiner respectfully disagrees... The examiner points out for further clarification col. 7, lines (6-56) of Bergeron teaches a service engineer (i.e. technician) for their job must call in to get assignments and must decide to either accept or not accept a job (if they don't accept they won't be offered that particular assignment again). This information when they call in for assignments is recorded. With this information being recorded it is viewed by the examiner that at any point a manager can view the last assignment either accepted or rejected from the field engineer and know what the elapsed time is (i.e. inherent). Especially since the time to complete jobs is on a countdown and must be addressed this shows the system knows the current time a job is at and when who and when it is completed by a field engineer that access the system."

In response, Appellants assert that Kinser, col.7, lines 6-56 does not disclose any inquiry by a service engineer, and thus does not disclose "determining an elapsed time since a last

inquiry by the technician".

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In response, Applicants assert that there is no disclosure in Kinser, col.7, lines 6-56 that a manager engages in the active method step of determining anything, let alone ""determining an elapsed time since a last inquiry by the technician". In fact, there is no mention in Kinser, col.7, lines 6-56 of a manager or of any other person than the field service engineer.

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron

In addition with respect to claims 9 and 38, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: "resetting the sorted ticket lists in the cache after a predetermined time period has expired".

The Examiner's Answer argues (page 10): "**Referring to Claim 9,** Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation... said processor resetting the sorted ticket lists in the cache after a predetermined time period (see; col. 29, lines (39-43), col. 47, lines (28-37), and col. 55, lines (52-61) of Kinser teaches a processor and memory that takes the sorted data and tries to maximize the efficiency of the work being completed therefore the dispatch report is sent to the technician with current open items to complete)."

In response, Appellants respectfully contend that the preceding argument in the Examiner's Answer does not address the preceding feature of claims 9 and 38, because the

preceding argument in the Examiner's Answer does not address:

(i) the sorted ticket lists;

(ii) ***resetting*** the sorted ticket lists;

(iii) resetting the sorted ticket lists ***in the cache***;

(iv) resetting the sorted ticket lists in the cache ***after a predetermined time period has expired***.

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (pages 21-22): "The examiner points out for further clarification with regard to the "sorted ticket lists" col. 28, lines (16-18) of Kinser which discloses a sorting that takes place with regard to sort parameters defined by the Maintenance Center as the to which "wire center" and "start date" to which service is required. This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start."

In response, Appellants respectfully contend that the conclusion ("This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start") in the preceding argument in the Examiner's Answer does not follow from the disclosure in Kinser, col. 28, lines 16-18 of: "access and print entries, sorted by wire center and start date, for a set of wire centers defined by the Maintenance Center user list".

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (page 22): "The examiner points out for further clarification with regard to the "resetting the sorted ticket lists" col. 31, line (33) - col. 32, line (14) of Kinser discusses a proactive system that generates the lists of problems and creates required work based on if the job has been completed or further tests on the problem to determine if it is valid). This creation of prioritized groups alleviates false failures. This is viewed as a system that resets the prioritized work items (i.e. sorted ticket lists)."

In response, Appellants respectfully contend that the alleged disclosure in Kinser, col. 31, line 33 - col. 32, line 14 ("a proactive system that generates the lists of problems and creates required work based on if the job has been completed or further tests on the problem to determine if it is valid... This creation of prioritized groups alleviates false failures") is not a disclosure of "resetting the sorted ticket lists".

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (page 22): "The examiner points out for further clarification with regard to the "resetting the sorted ticket lists in the cache" col. 43, lines (60-64) of Kinser which discloses a service gateway that handles the trouble reports (i.e. tickets). It further goes on to explain that this is done by the service analysis system with both reactive and proactive architectures. In col. 43, lines (41-59) of Kinser discusses that the

data is stored and maintained in such a way as to have it readily available for the service analysis system. This storing of information is viewed by the examiner to be in such a way that it is readily available for use by the system as to handle problems quickly (reactive and proactive). It is commonly understood in the art that by storing of information is done because it is information that is needed in place for a quick response it is best to cache it to have it readily available. The examiner contends that since the data is used in the gateway manager and is needed quickly by the system to be both reactive and proactive while not being called a cache the storing of the data for quick use would be a caching of data, and along with a proactive prioritization of items col. 31, line (33) - col. 32, line (14) of Kinser teach a resetting of the prioritized work items in the cache".

In response, Appellants respectfully contend that there is no content in Kinser, col. 43, lines 41-59 to support the preceding argument in the Examiner's Answer, namely: "In col. 43, lines (41-59) of Kinser discusses that the data is stored and maintained in such a way as to have it readily available for the service analysis system".

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (pages 22-23): "The examiner points out for further clarification in the previously sited are of Bergeron with regard to the "Resetting the sorted ticket lists in the cache after a predetermined period of time" col. 4, lines (1-20) of Bergeron teaches a processor that keeps track of service engineers (i.e. technician) based on a event or time driven schedule and how it is accessed with an input/output device (i.e.

inquiry)). In order to make sure an employee is completing tasks in the most efficient manner possible it is necessary to track their progress."

In response, Appellants respectfully contend that the alleged disclosure of tracking an event driven schedule of a field service engineer is not a disclosure of resetting the schedule of the field service engineer, and is most certainly not a disclosure of resetting the sorted ticket lists in the cache after a predetermined time period has expired.

Accordingly, claims 9 and 38 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

Claims 10 and 39

Since claims 10 and 39 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 10 and 39 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron under 35 U.S.C. §103(a).

In addition with respect to claims 10 and 39, Kinser in view of Toyouchi, in further view of Bergeron does not disclose the feature: "wherein said resetting comprises retrieving additional tickets for the ticketing systems".

The Examiner's Answer argues (page 11): "**Referring to Claim 10,** Kinser in view of Toyouchi in further view of Baergeron teach the method of claim 9, Kinser further disclose the following limitation... wherein said resetting comprises retrieving additional tickets for the ticketing systems (see; col. 21, par. (35-42), and col. 55, lines (56-61) of Kinser teaches a re-prioritizing of the group of service requests and then distributing them to the correct

technician)."

In response, Appellants respectfully contend that the preceding argument in the Examiner's Answer alleges that Kinser teaches re-prioritizing the ***same*** group of service requests and does not address ***additional*** tickets. Furthermore, the preceding feature of claims 10 and 39 does not recite retrieving additional tickets for the technician, but rather recites retrieving additional tickets for the ticketing systems.

Accordingly, claims 10 and 39 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

In "Response to Arguments", the Examiner's Answer argues (page 23): "The applicant argues on pg. 24 with regard to claims 10 and 39 that Kinser in view of Toyouchi in further view of Bergeron dos not disclose "wherein said resetting comprises retrieving additional tickets for the ticketing system"... The examiner respectfully disagrees... The examiner points out for further clarification col. 56, lines (4-59) of Kinser discusses the process of determining new tasks and analyzing this information before assigning the new work to the correct group. This is an ongoing process of for the service analysis system that is constantly pulling trouble tickets and then finding the correct dispatch area to assign it to (i.e. technician)."

In response, Appellants respectfully contend that Kinser, col. 56, lines 4-59 does not disclose "the process of determining new tasks and analyzing this information before assigning the new work to the correct group. This is an ongoing process of for the service analysis system that is constantly pulling trouble tickets and then finding the correct dispatch area to assign it to (i.e. technician)" as alleged by the Examiner.

See Kinser, col. 56, lines 4-59 which recites:

"(B) Filter out indicators from services that always fail ALIT (should be on PLIT which prevents ALIT processing)

Ground start PBXs.

Foreign Exchange Lines (FX).

Coin.

Video on demand.

Pair gain systems w/o ALIT & MLT capabilities.

Multiple indicators at same address (2 or more lines serving same address)

Known station problem list.

(C) Generate list for addition to PLIT

(D) Build end to end description of circuit for each indicator

Include all cables, pairs, terminals in the circuit.

(E) Group indicators that have common network elements

F1 terminal (cross box)

F2 terminals with same F1

F2 terminals with multiple F1's

F1 cable, pair range

F1 in binding post range

F1 out binding post range

F2 cable, pair range

F2 terminal binding post range

Fn as F2 above (n=3,4, . . .)

Future fiber network common elements

(F) Prioritize Groups for MLT testing (by switch)

Apply weighting factors to each indicator in group

Add additional weighting for customer TR or priority customer.

Total individual weighting factors to get group weighting.

Generate list for MLT testing (1st on list--highest group weighting, last on list--lowest group

weighting).

(G) Test as many groups as MLT testing time permits, or until all groups are tested

Discard all indicators that test OK (or groups if appropriate)

(H) Add detailed terminal and cable data to circuits

Defective pairs, spare pairs, pair ranges in terminals.

(I) Prioritize post MLT groups (by dispatch area)

Use new weighting factors for each indicator in group

Add additional weighting for low spare pair cable segments.

Generate list by dispatch area (highest group weighting--top, lowest . . . bottom)

(J) Print group reports

Summary report

Detailed Report

Defective pair report

(K) Statistical analysis

Do statistical analysis to match MLT test result patterns to most likely type of failure (e.g., cable, terminals) ".

Accordingly, claims 10 and 39 are not unpatentable over Kinser in view of Toyouchi, in further view of Bergeron.

GROUND OF REJECTION 3

Claims 29 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

Since claims 29 and 40 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 29 and 40 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt under 35 U.S.C. §103(a).

GROUND OF REJECTION 4

Claims 30 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication No. 2003/0126001) (hereafter Northcutt).

Since claims 30 and 41 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt under 35 U.S.C. §103(a).

In addition with respect to claims 30 and 41, Kinser in view of Toyouchi, in further view of Northcutt does not disclose the feature: "creating a different integer array of pointers for each sort parameter to index a sort order of the tickets in the response list for each sort parameter, wherein each pointer in each integer array points to a ticket in the response list, and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter".

The Examiner's Answer argues (page 13): "Kinser, Toyouchi and Northcutt do not explicitly disclose the following limitations however, ... Smith teaches creating a different integer array of pointers (see; col. 400, lines (33-35) of Smith teaches an integer array and ifs combination with pointers), and wherein each pointer in each integer array points to an item (see; col. 6, lines (19-29) and col. 400, lines (33-35) of Smith teaches that pointers are used to point to items, and that pointer are part of the integer array), and rearranging the pointers in each integer

array as the tickets are rearranged in the response list for each sort parameter (see; col. 6, lines 10-14), and col. 237, lines (10-14) of Smith teaches an integer array used in sorting parameters)."

In response, Appellants respectfully contend that claims 30 and 41 are rejected as allegedly unpatentable over Kinser in view of Toyouchi, in further view of Northcutt. Thus claims 30 and 41are not rejected over Smith (U.S. Patent 7,013,469) or in view of Smith. Therefore, Smith cannot be used as a prior art reference to support a rejection of claims 30 and 31 over Kinser in view of Toyouchi, in further view of Northcutt. Accordingly, the reliance in the Examiner's Answer on Smith is misplaced and the Examiner's Answer has not established a *prima facie* case of obviousness in relation to claims 30 and 41.

However, Appellants next discuss Smith in order to explain why further rejecting claims 30 and 41 over Smith would not be persuasive.

In particular, Smith does not disclose creating a different integer array of pointers for each sort parameter and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter, at least because the citations in the Examiner's Answer to Smith are totally silent as to sorting.

Appellants note that Smith, col. 400, lines 33-35 recites "Initializes a new instance of the String class to the value indicated by a specified pointer to an array of Unicode characters" which is totally silent as to sorting.

Appellants note that Smith, col. 6, lines 19-29 recites "The API 142 groups API functions into multiple namespaces. Namespaces essentially define a collection of classes, interfaces, delegates, enumerations, and structures, which are collectively called "types", that provide a specific set of related functionality. A class represents managed heap allocated data that has

reference assignment semantics. A delegate is an object oriented function pointer. An enumeration is a special kind of value type that represents named constants. A structure represents static allocated data that has value assignment semantics. An interface defines a contract that other types can implement", which is totally silent as to sorting.

Appellants note that Smith, col. 6, lines 8-14 recites "The operating system 146(1) provides conventional functions, such as file management, notification, event handling, user interfaces (e.g., windowing, menus, dialogs, etc.), security, authentication, verification, processes and threads, memory management, and so on. The object model services 146(2) provide interfacing with other objects to perform various tasks", which is totally silent as to sorting.

Appellants note that Smith, col. 237, lines 10-14 recites "Converts the value of a specified instance of Decimal to its equivalent binary representation, and returns that representation in an array of 32-bit signed integers. Return Value: A 32-bit integer array with four elements that contain the binary representation of d", which is totally silent as to sorting.

Accordingly, claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt.

In "Response to Arguments", the Examiner's Answer argues (page 23): "The applicant argues on pg. 28 with regard to "claims 30 and 41 are rejected over Kinser in view of Toyouchi in further view of Northcutt. Thus claims 30 and 41 are not rejected over Smith (U.S. Patent 7,013,469) of in view of Smith"... The examiner thanks the applicant for pointing out the typographical error of not having the Smith reference in the heading instead of Northcutt. Furthermore the examiner understands that based on the response from the applicant that while

there was a typographical error the applicant fully understood and was clear and no confusion as to which piece of prior art was applied and how it was applied to the application."

In response, Appellants respectfully contend that it is clear from both Applicants' arguments and the preceding argument in the Examiner's Answer that claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt.

Accordingly, the rejection of claims 30 and 41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser in view of Toyouchi, in further view of Northcutt should be reversed.

Nonetheless, in the interest of expediting prosecution of the present patent application, Appellants are agreeable to having the Board render a decision as to whether or not claims 30 and 41 are unpatentable under 35 U.S.C. § 103(a) over Kinser in view of Toyouchi, in further view of Smith even though claims 30 and 41 were not formally rejected under 35 U.S.C. § 103(a) over Kinser in view of Toyouchi, in further view of Smith. Nonetheless, Appellants respectfully reiterate that the rejection of claims 30 and 41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser in view of Toyouchi, in further view of Northcutt should be reversed.

In "Response to Arguments", the Examiner's Answer argues (pages 23-24): "The applicant argues on pg. 28 with regard to claims 10 and 39 that Smith does not disclose "creating a different integer array of pointers for each sort parameter and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter, at least because the examiners citations to smith are totally silent as to sorting"... The examiner respectfully disagrees ... In response to the argument for further clarification the examiner points

to col. 4, lines (15-21) of Smith which teaches the prior art can be used to with handling of tickets, and furthermore in col. 75, lines (50-58), and col. col. 76, lines (1-17) of Smith teaches how a sorting of the arrays take place. The claims note the use of pointers while the prior art relies on keys (i.e. pointers). Smith in col. 78, lines (54-55) disclose the initializing of new instance of arrays that as previously mentioned above are sorted."

In response, Appellants assert that the preceding argument in the Examiner's Answer cites Smith, col. 76, lines 1-17 which merely discusses a generic sort of a one-dimensional array without regard to the specific limitations in the claimed feature of "creating a different integer array of pointers for each sort parameter to index a sort order of the tickets in the response list for each sort parameter, wherein each pointer in each integer array points to a ticket in the response list, and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter".

Accordingly, claims 30 and 41 are not unpatentable over Kinser in view of Toyouchi, in further view of Northcutt and/or Smith.

GROUND OF REJECTION 5

Claims 31, 32, 33, 42, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Smith et al. (U.S. Patent 7,013,469 B2).

Claims 31 and 42

Since claims 31 and 42 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith under 35 U.S.C. §103(a).

In addition with respect to claims 31 and 42, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: "wherein the sort parameters ***consist of*** a first sort parameter and a second sort parameter" (emphasis added).

The Examiner's Answer argues (page 14): **Referring to Claim 31,** ... Smith teaches wherein the sort parameters consist of a first sort parameter and a second sort parameter (see; col. 737, lines (9-11) of Smith teaches two sort parameters)".

In response, Appellants note that Smith, col. 737, lines 9-11 recite "Compares two sort keys. Return Value: Value Condition Zero The two sort keys are equal. The first sort key to compare. The second sort key to compare", which does not disclose the ***closed-ended limitation*** of "the sort parameters ***consist of*** a first sort parameter and a second sort parameter".

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In "Response to Arguments", the Examiner's Answer argues (page 24): "The applicant argues on pg. 30 with regard to claims 31 and 42 that Smith does not disclose the "closed-ended limitation" of "the sort parameters consist of a first sort parameter and a second sort parameter"... The examiner respectfully disagrees ... In response to the argument the examiner first notes that there is not claim limitation that specifically states "the closed-ended limitation" only an implication based off of the claim. Furthermore further clarification the examiner points to col. 75, line (49) - col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort."

In response, Appellants note that Smith, col. 75, line 49 - col. 76, line 76 discloses the use of an arbitrary number of sort keys (which represent the claimed sort parameters) in a generic one-dimensional sort and does not disclose an embodiment in which the sort keys consist of only a first sort key and a second sort key.

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In addition with respect to claims 31 and 42, Kinser in view of Toyouchi, in further view

of Smith does not disclose the feature: "wherein the multiple sorted ticket request lists ***consist of*** a first sorted ticket request list and a second sorted ticket request list" (emphasis added).

The Examiner's Answer argues (office action, page 14): **Referring to Claim 31,** ... Smith teaches ... wherein the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list (see; col. 75, lines (29-35) and col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters)".

In response, Appellants note that Smith, col. 75, lines 26-35 discloses a function that sorts a one-dimensional array ("[JScript] public static function Sort(array: Array); Sorts the elements in one-dimensional System.Array objects. Description Sorts the elements in an entire one-dimensional System.Array using the System.IComparable interface implemented by each element of the System.Array. Each element of array must implement the System.IComparable interface to be capable of comparisons with every other element in array. The one-dimensional System.Array to sort."). Thus, the preceding quote from Smith, col. 75, lines 26-35 does not disclose the ***closed-ended limitation*** of "the multiple sorted ticket request lists ***consist of*** a first sorted ticket request list and a second sorted ticket request list".

In further response, Appellants note that Smith, col. 737, lines 9-11 recite "Compares two sort keys. Return Value: Value Condition Zero The two sort keys are equal. The first sort key to compare. The second sort key to compare", which does not disclose the ***closed-ended limitation*** of "the multiple sorted ticket request lists ***consist of*** a first sorted ticket request list and a second sorted ticket request list".

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In "Response to Arguments", the Examiner's Answer argues (pages 24-25): "The applicant argues on pg. 30 with regard to claims 31 and 42 that Smith does not disclose the "closed-ended limitation" of "the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list"... The examiner respectfully disagrees ... In response to the argument the examiner first notes that there is not claim limitation that specifically states "the closed-ended limitation" only an implication based off of the claim. Furthermore for further clarification the examiner points to col. 4, lines (15-21) of Smith which teaches that the prior art Smith can be used to sort tickets, and more specifically col. 75, line (49) - col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory storing information such as a list of tickets as it has been shown that Smith handles tickets and sorts arrays. Since it was show previously that two sorts can take place utilizing different parameters the two arrays can be reasonably considered two separate ticket lists."

In response, Appellants note that Smith, col. 4, lines 15-21 is totally silent as to sorting, let alone sorting tickets.

In further response, Appellants note that Smith, col. 75, line 44 - col. 76, line 76 discloses sorting a one-dimensional array, namely System.Array, but does not disclose sorting the one-dimensional array to generate multiple sorted ticket requests consisting of a first sorted ticket request list and a second sorted ticket request list.

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In addition with respect to claims 31 and 42, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: "wherein said sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter".

The Examiner's Answer argues (office action, pages 14-15): **Referring to Claim 31,** ... Smith teaches ... wherein said sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter (see; col. 75, lines (29-35) and col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters based on how the array is set up making for a multitude of search parameter combinations (i.e. first sort generating second sort))."

In response, Appellants note that Smith, col. 75, lines 26-35 discloses a function that sorts a one-dimensional array ("[JScript] public static function Sort(array: Array); Sorts the elements in one-dimensional System.Array objects. Description Sorts the elements in an entire one-dimensional System.Array using the System.IComparable interface implemented by each element of the System.Array. Each element of array must implement the System.IComparable interface to be capable of comparisons with every other element in array. The one-dimensional System.Array to sort."). Thus, the preceding quote from Smith, col. 75, lines 26-35 does not disclose "generating the first sorted ticket request list whose tickets are sorted according to the first sort

parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter".

In further response, Appellants note that Smith, col. 737, lines 9-11 recite "Compares two sort keys. Return Value: Value Condition Zero The two sort keys are equal. The first sort key to compare. The second sort key to compare", which does not disclose "generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter".

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In "Response to Arguments", the Examiner's Answer argues (page 25): "The applicant argues on pg. 33 with regard to claims 31 and 42 that Smith does not disclose "generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter generating a second sorted ticket request list whose tickets are sorted to a second parameter"... The examiner respectfully disagrees ... In response to the argument for further clarification the examiner points to col. 4, lines (15-21) of Smith which teaches that the prior art Smith can be used to sort tickets, and more specifically col. 75, line (49) - col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory storing information such as a list of tickets as it has been shown that

Smith handles tickets and sorts arrays. Since it was show previously that two sorts can take place utilizing different parameters the two arrays can be reasonably considered two separate ticket lists."

In response, Appellants note that Smith, col. 4, lines 15-21 is totally silent as to sorting, let alone sorting tickets.

In further response, Appellants note that Smith, col. 75, line 44 - col. 76, line 76 discloses sorting a one-dimensional array, namely System.Array, but does not disclose generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating a second sorted ticket request list whose tickets are sorted to a second parameter.

Accordingly, claims 31 and 42 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

Claims 32 and 43

Since claims 32 and 43 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 32 and 43 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith under 35 U.S.C. §103(a).

In addition with respect to claims 32 and 43, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: "wherein the first sort parameter consists of ticket request location, and wherein the second sort parameter consists of type of service requested".

The Examiner's Answer argues (page 15): "**Referring to** Claim 32, ... Smith teaches

wherein the first sort parameter, and wherein the second sort parameter(see; col. 737, lines (9-11) of Smith teaches two sort parameters), however Smith does not explicitly disclose that the first sort parameter consists of ticket request location and the second sort parameter consists of type of service requested, The difference between the reference (Smith, sorting method using parameters) and claim 32 (sorting using specific defined parameters) relates only to the intended use of the invention (i.e., to perform tracking a sorting method). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim."

In response, Appellants respectfully contend that the Examiner's Answer incorrectly argues that the preceding feature of claims 32 and 43 is an intended use. Appellants assert that claims 32 and 43 claim the active method step of sorting the tickets using the first and second sort parameters of ticket request location and type of service requested, respectively. Thus, the preceding feature of claims 32 and 43 is not an intended use and is not disclosed by Kinser in view of Toyouchi in further view of Smith.

Accordingly, claims 32 and 43 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In "Response to Arguments", the Examiner's Answer argues (pages 25-26): "The applicant argues on pg. 34 with regard to claims 32 and 43 that the "examiner incorrectly argues that the preceding feature of claims 32 and 43 is an intended use" with respect to sorting method using parameters"... The examiner respectfully disagrees ... In response to the argument for

further clarification the examiner points to as stated above col. 75, line (49) - col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory storing information such as a list of tickets as it has been shown that Smith handles tickets and sorts arrays. Knowing this Smith then teaches a sorting method that sorts multiple parameters (i.e. two) with respect to arrays and looks for parameters, but these parameters may not be specifically the same as the claimed invention, however the structure is taught in Smith (i.e. a sorting using a first and second parameter). Therefore because the structure is in place and the only difference is that the specific parameter may not be the same the finds only difference is the intended use, and meets the claim."

In response, Appellants reiterate that claims 32 and 43 claim the active method step of sorting the tickets using the first and second sort parameters of ticket request location and type of service requested, respectively, which is thus not an intended use.

Accordingly, claims 32 and 43 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

Claims 33 and 44

Since claims 33 and 44 respectively depend from claims 1 and 35 which Appellants have argued *supra* to not be unpatentable over Kinser in view of Toyouchi under 35 U.S.C. §103(a), Appellants maintain that claims 33 and 44 are not unpatentable over Kinser in view of Toyouchi,

in further view of Smith under 35 U.S.C. §103(a).

In addition with respect to claims 33 and 44, Kinser in view of Toyouchi, in further view of Smith does not disclose the feature: "wherein the first sort parameter consists of ticket submission date, and wherein the second sort parameter consists of severity of problem to which service is directed".

The Examiner's Answer argues (office action, page 16): "**Referring to** Claim 33, Kinser in view of Toyouchi in further view of Smith teach the method of claim 31, Kinser in further disclose the following limitation... wherein the first sort parameter consists of ticket submission date, and wherein the second sort parameter consists of severity of problem to which service is directed (see; col. 45, line (19, and col. 49, line (5-8) of Kiner teaches that two possible parameters that can be used for sorting are date and severity of the problem)."

In response, Appellants note that Kinser, col. 4, line 19 recites "Trouble type and severity relationships" which is totally unrelated to sorting.

In further response, Appellants note that Kinser, col. 49, lines 5-8 recites "Also, the defective pair information (i.e., date and failure type) and spare pair count for each cable pair range will be obtained for use in the trouble grouping and prioritization processes, respectively" which is totally unrelated to sorting.

Accordingly, claims 33 and 44 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

In "Response to Arguments", the Examiner's Answer argues (page 26): "The applicant argues on pg. 35 with regard to claims 33 and 44 that Kinser, col. 45, line 19, "trouble type and

severity relationship" is "totally unrelated to sorting" and "the defective pair information (i.e. date and failure type) and spare pair count for each cable pair range will be obtained for use in the trouble grouping and prioritization processes, respectively, which is totally unrelated to sorting.. The examiner respectfully disagrees ... In response to the argument the for further clarification the examiner points to col. 48, line (63) - col. 49, line (11) of Kinser which further discloses that the grouping and prioritization is an analysis of the retrieval of the general facility detail and is a grouping based on information of some sort parameter (i.e. sorting)."

In response, Appellants not the that Kinser, col. 48, line 63 - col. 49, line 11 recites "Retrieve General Facility Detail

After this initial data retrieval, Service Analysis requests more generic data information. Given the cables involved with all unfiltered ALIT indications, Service Analysis requests cable information.

the cable low pair, and

cable high pair

The correlation process must know the valid range for each cable in order to determine its grouping priority.

Also, the defective pair information (i.e., date and failure type) and spare pair count for each cable pair range will be obtained for use in the trouble grouping and prioritization processes, respectively.

Service Analysis also requests information about terminals. For each terminal retrieved, the following information is correlated therewith",

which is totally unrelated to sorting.

Accordingly, claims 33 and 44 are not unpatentable over Kinser in view of Toyouchi, in further view of Smith.

SUMMARY

In summary, Appellants respectfully request reversal of the November 23, 2010 Office Action rejection of claims 1-3, 9, 10, and 29-45.

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/ Jack P. Friedman /
Jack P. Friedman
Registration No. 44,688

Customer No. 30449
Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
Telephone (518) 220-1850
Facsimile (518) 220-1857
E-mail: jfriedman@iplawusa.com